

“A Historic Past”



“A Bright Future”

CITY OF DELAWARE CITY

407 Clinton Street – P.O. Box 4159

Delaware City, Delaware 19706

302-834-4573

**MINUTES
CITY OF DELAWARE CITY
MAYOR AND COUNCIL MEETING
MONTHLY MEETING
PUBLIC HEARING
Monday, June 29, 2021 at 6:00 p.m.
DELAWARE CITY FIRE COMPANY
815 FIFTH STREET**

6:00 PUBLIC HEARING –

- Resolution 21-0621-01 Adopting Operating Budget FY-22
- Resolution 21-0621-02 Adoption of Assessment Roll FY22 & Tax Rate FY22

Mayor Johnson opened the Public Hearing at 6:00 PM. There was No discussion.

MONTHLY MEETING OF MAYOR & COUNCIL

CALL TO ORDER

Mayor Johnson called the June 29, 2021 meeting to order at 6:30 p.m.

Mayor Johnson kept the Public Hearing open to the end of the regular Mayor and Council Meeting.

PLEDGE OF ALLEGIANCE

Mayor Johnson led the Pledge of Allegiance

ROLL CALL

In addition to Mayor Johnson, Vice Mayor Malinowski, Council Members Konkus, Barrett, Jackson and Saunders were present. City Manager Baylor, Finance Manager Graham, Lieutenant Henderson, City Solicitor Rhodunda were also present.

ACTION UPON MINUTES

Council Member Konkus made the motion to accept the April 28th Minutes as written. The motion was seconded by Council Member Barrett. A vote was taken, all members were in favor. *Minutes were accepted as written.*

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Council Member Barrett made the motion to accept the May 17th Minutes as written. The motion was seconded by Council Member Konkus. A vote was taken, all members were in favor. *Minutes were accepted as written.*

POLICE REPORT

Police Lieutenant Henderson offered the following police report for the month:

Significant Events:

1. The Police Department only received **two(2)** calls regarding fireworks, one July 3rd and one July 4th. No citations issued. Also, **zero (0)** calls for fireworks handled by the New castle County Police during DCPD off hours. We also had proactive conversations regarding the legality of fireworks in Delaware City, which is believed to have assisted in eliminating potentiall calls for service.
2. The Police Department was awarded grant funding (Byrne) in the amount of \$3,200 to utilize on the purchase of equipment.
3. An agreement was signed with Axon to acquire five (5) upgraded BWC units and a charging dock to replace our older models, **AT NO COST**. We are currently awaiting arrival of these new units for deployment.

CITY MANAGER’S REPORT

City Manager Baylor gave the following report:

City Manager’s Report for June 2021

- **Delaware City Community Center Update**– During the June Historic Preservation Commission meeting, I made a presentation regarding replacing the current slate roof on the Community Center with a similar style shingle roof. The Historic Preservation Commission vote in favor of the City’s request and approved Antique Slate shingles as replacements for the slate roof. Phase 1 of the roof repair (the north-west side of the building) will begin before the end of August.
- **Meeting Between City Officials and Fort DuPont Management Regarding the Future of the Branch Canal.** – A meeting involving Vice Mayor Malinowski, Councilman Saunders, and myself took place with Jeff Randol and Max Walton

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regarding the future of the Branch Canal. The information from the meeting will be discussed with Mayor and Council at a future date and then shared with the residents.

- **Delaware City Library Lease** – A final lease proposal has been sent to the Head Librarian and the Delaware City Library Board. A deadline for their decision is June 30, 2021
- **Harbor Street Pump Removal Project Update** – We are moving forward with Mr. Steven Lewandowski of Duffield Associates regarding the Tide Gate Replacement, and Canal Outfalls and Harbor Street Alternative.

Council Member Barrett asked what type of warranty we have on the current pump station. City Manager Baylor said he will look into that. Council Member Barrett asked if adding another drainage tube will void the warranty. City Manager Baylor said they are doing the study to make sure it can handle the addition and not void the warranty.

Council Member Jackson asked what type of legal ramifications we have with the library lease not being signed. City Manager Baylor said none.

Council Member Saunders asked if we have funding for the pump project. City Manager Baylor said we have money from the legislators and grant funding we recently got can be used to address this.

CITY SOLICITOR’S REPORT

William Rhodunda gave the following report:

- Library Lease
- Meeting with Fort DuPont about the MOU regarding street take over.
- Lease with PSC Properties
- Comp Plan Update

ACTION UPON FINANCE REPORT

Finance Manager Graham presented the financial report as of May 31, 2021 to Council.
(Full report is available)

Questions/Comments from Council

There were No Comments or Questions.

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Council Member Konkus made a motion to accept the finance report subject to audit; the motion was seconded by Council Member Barrett. *The Finance report was accepted.*

APPOINTMENTS

There were no appointments at tonight's meeting.

ANNOUNCEMENTS/COMMUNICATIONS

None

REPORTS OF COMMISSIONS, COMMITTEES AND ORGANIZATIONS

Lynn Dilliplane/HPC- The HPC Approved the repairs to the roof at Town Hall and they approved a complete restoration on 141 Clinton Street.

OLD BUSINESS

1. Extension of the Emergency Allowance for the number of Board of Adjustment Members to be reduced.

Council Member Barrett made the motion, the motion was seconded by Council Member Jackson, and all were in favor, *motion passed.*

NEW BUSINESS

1. Memorandum of Understanding between FDRPC and the City of Delaware City.

Solicitor Max Walton made a presentation on behalf of the Fort DuPont Corporation. He explained that there were Ordinances introduced by Council that were recommended against by the planning commission. The Fort Corp believes this MOU will provide a mutual solution, greater transparency and will not have impacts on the redevelopment of the complex. He explained that we got to the MOU because the Fort Corp asked for a meeting with the City and one of the solutions discussed to

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resolve some of the Cities and Council concerns was this MOU. He explained that A larger scale Development Project is a Major Subdivision or a Major Site Plan. The idea of the MOU is to bring these types of projects in their infancy to Council to review before the Fort Corp Board votes on the concept. The Fort Board would then know Councils Position before consideration of a contract or agreement.

Solicitor Rhodunda explained that the City did have a meeting with Fort DuPont and asked them to bring forward this presentation. This will not be voted on tonight but possibly at the July Meeting.

2. **Agreement between PSC Contracting Inc and the City of Delaware City.**

Mayor Johnson said he asked to have this on the Agenda. He explained that the City is looking into all of their leases. There is a big parking issue down town so we are looking into a deal for the Fifth Street parking lot in exchange for the Jefferson Street Paper Street. The City would be able to use the Fifth Street parking lot for additional parking.

Solicitor Rhodunda said PSC leases a strip of land on Jefferson Street that is otherwise unusable by the City and it's a 10 year lease for \$300.00 a month. PSC properties own a parcel conditioned to be a parking lot located perfectly for Trail use. The City would not get the \$300 a month for the Paper Street Lease but we would not have to pay anything to use the parking lot on Fifth Street as additional parking.

City Manager Baylor added that we can evaluate if this elevates our problem with parking down town.

Council Member Konkus made a motion to accept, seconded by Council Member Jackson. All were in favor, *motion passed*.
Council Member Barrett recused herself from this Vote.

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3. **Branch Canal Committee Update**
City Manager Baylor said he already discussed this.
4. **Consideration and Approval of the City of Delaware City FY-2022 Operating Budget – Resolution 21-0621-01**

There is a typo of the Resolution number on the Agenda. The Number should be 21-0629-01

Council Member Barrett made a motion to approve; the motion was seconded by Council Member Jackson. A roll call vote was taken, all were in favor, *motion passed.*

5. **Resolution 21-0621-02 Adoption of Assessment Roll FY22 & Tax Rate FY22**

There is a typo of the Resolution number on the Agenda. The Number should be 21-0629-02

Council Member Konkus made a motion to approve; the motion was seconded by Council Member Jackson. A roll call vote was taken, all were in favor, *motion passed.*

6. **Potential Residential Zoning Changes for Discussion.**
 - **Childcare facility descriptions, requirements and locations**
 - **Off-street parking requirements for new construction**
 - **Multi-family dwelling requirements and approval process**
 - **Public or private schools and public or private colleges approval process**
 - **Churches to be allowed by right in the R-1 District**

Council Member Saunders said he is formally asking Council to consider these topics for zoning code changes. He is hoping to get input over the next couple months and get an Ordinance in place to correct the Zoning Code. He feels the Code is deficient in a few places.

Child Care Facilities;

Remove orphanages from the Child Care Code

Adopted the State of Delaware requirements for childcare facilities.

Change child care facility descriptions to match the State of Delaware’s descriptions.

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Discussion and explanation followed.

Parking;

Looking at parking and the parking issues in town, he would like Council to consider changes to increase single family home parking requirements from 1 to 2, for two family homes, increase 1 to 2 and Multifamily from 1 1/2 to 2 and acknowledge that garages do not count as off street parking. Street parking should only be considered off street if it doesn't interfere with Commercial buildings.

Multi Family Dwelling;

For multifamily dwellings, our Code allows up to 40 units if the building is taller than 3 stories and less than 3 stories, 20 units. If certain areas around town were rebuilt, the density could be 5x to 10x greater than other parts of Delaware City. He is asking Council to consider changing the Code to match the Special Use Permit featured in Ordinance 21-0315-01 to make the standard consistent across all of Delaware City.

Private and Public Schools;

Private and public Schools are allowed in most of Delaware City, There are no public or private schools currently but he would like this to be changed to require the same Special Use Permit in Ordinance 21-0315-01.

Vice Mayor Malinowski suggested Council Member Saunders work with the Solicitor on these.

MAYOR & COUNCIL COMMENTS

Council Member Barrett- Lisa Lindsey and the Refinery donated Money to the Food Program. The Food Program now has \$6000.00 to go towards the food program.

Council Member Konkus- Honored to accept the food bank award for Betty and thanked her for all the work she does.

Council Member Saunders- If anyone has any comments on his proposals, feel free to email him.

Vice Mayor Malinowski- Attended the refinery awards ceremony

Council Member Jackson- Very Pleased with the City managers work on the Library Lease.

Mayor Paul Johnson-

Looking for someone to chair the DC Day Committee.

Thanked the City Manager for the work he put into the library lease.

Thanked the Vice Mayor and Council Member Konkus for Accepting the Check for the Food Bank.

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City Manager Baylor thanked Council for sticking behind him during the Library lease issue.

CITIZENS COMMENTS

Tim Dilliplane/ 118 Clinton – Parking lot with PSC is an Excellent Idea! He would also like to see the plats on the fence taken down around the lot.

Toby Williams/ 403 William St – Asked how the future Ordinances could be obtained. The Solicitor said, website or come into Town Hall.

Gale Smith/ Jefferson St – Interested in the Property Maintenance Bid and would like to give suggestions.

Erin Savage/ 907 Fifth St – What are they going to do about the traffic Fort DuPont Campground will generate, especially bridge closure due to high winds. City Manager Baylor said bridge closure would come from the State and the state would handle that. City Manager Baylor said this is a State Road and they govern any issues.

Mayor Johnson Closed the Public Hearing at 7:40 PM

ADJOURNMENT

Mayor Johnson asked for a Motion to adjourn. Vice Mayor Malinowski made the motion, Council Member Konkus seconded the motion, and all were in favor. Mayor Johnson adjourned the meeting at 7:40 p.m.

*Respectfully submitted,
Britney Loveland*